

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHAN *et al.*

Appl. No.: 10/520,033

Filed: December 30, 2004

For: **Transcription Factor Gene  
Induced by Water Deficit  
Conditions And Absciscic Acid From  
Helianthus Annuus, Promoter And  
Transgenic Plants**

Confirmation No.: 2792

Art Unit: 1638

Examiner: Stuart F. Baum

Atty. Docket: 2510.0040000/JAG/SAC

**First Supplemental Information Disclosure Statement**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on October 30, 2008 in connection with the above-captioned application.

Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. The required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). In addition, as a statement under 37 C.F.R. § 1.97(e)(1), I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

The documents, **FP1** and **NPL25**, were cited in a report, **NPL24**, by a foreign patent office in a counterpart foreign application. Copies of documents **FP1** and **NPL24-NPL25** are submitted.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in cursive script, reading "Shannon A. Carroll".

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Date: September 10, 2009

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